

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.		19732YPCA
First Inventor or Application Identifier		Donnelly, John J. et al.
Title	SYNTHETIC HEPATITIS C GENES	
Express Mail Label No.		EV323152815US

22300 U.S. PRO
10/664391
09/17/03

See MPEP chapter 600 concerning utility patent application contents.

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. ☒ **Fee Transmittal Form**
(Submit an original, and a duplicate for fee processing)

2. ☒ **Specification** [Total Pages]

3. ☒ **Drawing(s) (35 USC 113)** [Total Sheets]

4. **Oath or Declaration**

a. ☐ Newly executed (original or copy)

b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 14 completed)

i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).

5. ☐ Application Data Sheet. See 37 CFR 1.76

6. **Nucleotide and/or Amino Acid Sequence Submission**
(if applicable, all necessary)

a. ☒ Computer Readable Form (CRF)

b. ☒ Specification Sequence Listing on:

i. ☐ CD-ROM or CD-R (2 copies); or

ii. ☒ paper

c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

7. ☐ Submission papers (cover sheet & document(s))
8. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
9. ☐ Information Disclosure Statement ☐ Copies of
(IDS)/PTO-1449 IDS Citations
10. ☒ Preliminary Amendment
11. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
12. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
13. ☐ Other: Continuation Rule 53(b) Form

14. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09 / 194,949


Prior application information: Examine. Wortman, Donna C. *Group/Art Unit:* 1648

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

15. CORRESPONDENCE ADDRESS

☒ Customer Number**Customer No. 000210**

NAME	Sheldon O. Heber				
ADDRESS	Merck & Co., Inc., P. O. Box 2000 - Patent Dept., RY60-30				
CITY	Rahway	STATE	NJ	ZIP CODE	07065-0907
COUNTRY	USA	TELEPHONE	732-594-1958	FAX	732-594-4720

Name	Sheldon O. Heber	Registration No. (Attorney/Agent)	38,179
Signature		Date	9/17/2003

EXPRESS MAIL CERTIFICATEDATE OF DEPOSIT September 17, 2003

EXPRESS MAIL NO. EV323152815US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

MAILED BY Rose Schenck DATE September 17, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents,
P.O. Box 1450
Alexandria, Virginia 22313-1450

Prior Application:

Examiner	Wortman, Donna C.
Art Unit	1648

Sir: This is a request for filing a ☒ Continuation ☐ Divisional

application, under 37 C.F.R. 1.53(b), of pending application Serial No. 09/194,949 filed on

February 17, 2000 (DATE) of John J. Donnelly; Margaret A. Liu; John W. Shiver; Tong-Ming Fu (INVENTOR)

for SYNTHETIC HEPATITIS C GENES

(TITLE OF INVENTION)

- The enclosed comprises a copy of prior application Serial No. 09/194,949, as filed on February 17, 2000. The entire disclosure of this prior application is hereby incorporated by reference.
- The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

FOR	NUMBER FILED		NUMBER EXTRA		RATE	FEE
Total Claims	20	-	20	0 x	\$18	\$0
Independent Claims	1	-	3	0 x	\$84	\$0
*Multiple Dependent Claims					\$280	
Basic Fee (minimum amount required)						\$750
* Add this fee if application contains any multiple dependent claims, regardless of number.						\$750
						Total Fee

- The Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.

- ☐ Amend the specification by inserting before the first line the sentence:
-- This is a ☐ continuation, ☐ division of application Serial No. _____, filed _____.
- ☐ Cancel in this application original claims: _____.
- ☒ Preliminary amendment enclosed.
- ☐ Information Disclosure Statement/PTO-1449 enclosed.
- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- ☐ New formal drawings are enclosed.
- ☐ Priority of application Serial No. _____, filed _____, in _____ (COUNTRY) is claimed under 35 U.S.C. 119.
- ☐ The certified copy of the priority application has been filed in prior application Serial No. _____, filed _____.
- ☒ The prior application is assigned to Merck & Co., Inc., Rahway, New Jersey 07065.
- ☒ The undersigned attorney or agent has:
 - ☒ Power in the prior application as originally filed.
 - ☐ Associate power, copy enclosed.

Respectfully,



By: Sheldon O. Heber

Attorney _____ for Applicant(s)

Registration No. 38,179

Telephone: (732) 594-1958

Address: Merck & Co., Inc.
Patent Department
P.O. Box 2000 - RY60-30
Rahway, N.J. 07065-0907

Date: September 17, 2003

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT September 17, 2003

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MAILED BY  DATE 09/17/2003